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**Subject:** uon Valley LPS Submission - 61 LADY BAY ROAD, SOUTHPORT (PID: 9102837 & PID: 2678026)  
**Attachments:** Huon-LPS\_AG-R\_PlanningSubmission\_Duggan\_30-May-22.pdf

## **Trent J. Henderson**

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**RED SEAL**  
Urban & Regional Planning

**Huon Valley Local Planning Schedule (LPS) –  
Submission Section 35E Land Use Planning and  
Approvals Act 1993:**

- 61 LADY BAY ROAD, SOUTHPORT (PID: 9102837 & PID: 2678026)

**For: Mr. D Duggan**

BY: TRENT J. HENDERSON

BA(Hons) GCUrbDgn MEP RPIA

Principal Planner

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### Appendix A – Analysis and Assessment of Residential Use in Agriculture Zone

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## Summary

Project:	Huon Valley Local Provision Schedule Planning Submission relating to the land described as 61 Lady Bay Road, Southport (PID: 9102837 & PID: 2678026)
Planning Authority:	Huon Valley Council
Planning Policy:	Section 35E - <i>Land Use Planning and Approvals Act 1993</i>
Current Scheme Zoning:	Significant Agriculture & Rural Living
Proposed LPS Zoning:	Agriculture & Rural Living Zone A
Revised LPS Zoning:	Rural & Rural Living Zone A
Date of Assessment:	May 2022

### At Issue:

- a) There appears to be a core error in the decision tree to determine the allocation of Agriculture Zone, resulting in:
  - i. Land zoned Agriculture
  - ii. Not using Certificate of Titles to base the Agriculture Zone resulting in an untimely and misguided image of the lot layout,
  - iii. Not factoring poor soil quality with the two previous errors resulting in small lots that are zoned agriculture, plus the fact the land is recognised as a drought zone, not able to sustain agricultural use or be positioned to be incorporated into a larger sustainable farm.
  
- b) It appears that existing approvals have not been considered in assuming that the 'Land Potentially Suitable for Agriculture Zone' layer in the LIST is correct, therefore resulting in zoning implications that will inhibit the capacity for the lots to be able to be developed.

Therefore, pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should not apply the zone Agriculture to the subject area but instead the Rural Zone with a larger part zoned Rural Living where it is considered constrained.

# 1 Introduction

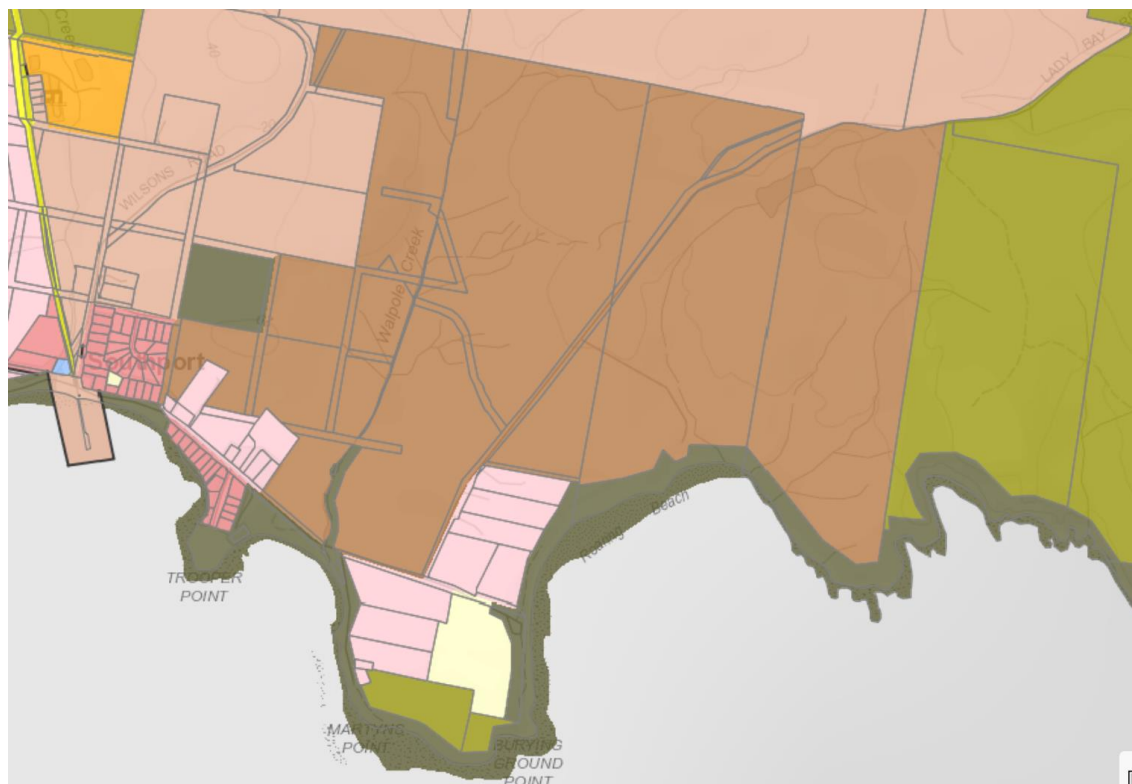
Red Seal Urban & Regional Planning have been engaged by the property owner Dale Duggan to review the exhibited documents of the Huon Valley draft Local Provisions Schedule (LPS) in relation to the application of the Agriculture Zone on land at 61 Lady Bay Road Southport, (PID: 9102837 & PID: 2678026).

## 1.1 Background

It is recognised that great work is involved in progressing the LPS to this stage and we commend Huon Valley Council (the Council) and its planning staff for it. However, given the extent of work required and the duration of time it has taken Council to undertake the mapping process, it is understandable that some aspects of the zone mapping are not optimal due to the base data not being specific to each site in addition to the fact that the land tenure and on ground activity has varied since the desktop assessment was undertaken.

Therefore, pursuant to Section 35E of the *Land Use Planning and Approvals Act 1993* (LUPAA), the following representation is made to assist Council and the Tasmanian Planning Commission (TPC) in implementing zoning by providing onsite clarification for the properties of concern.

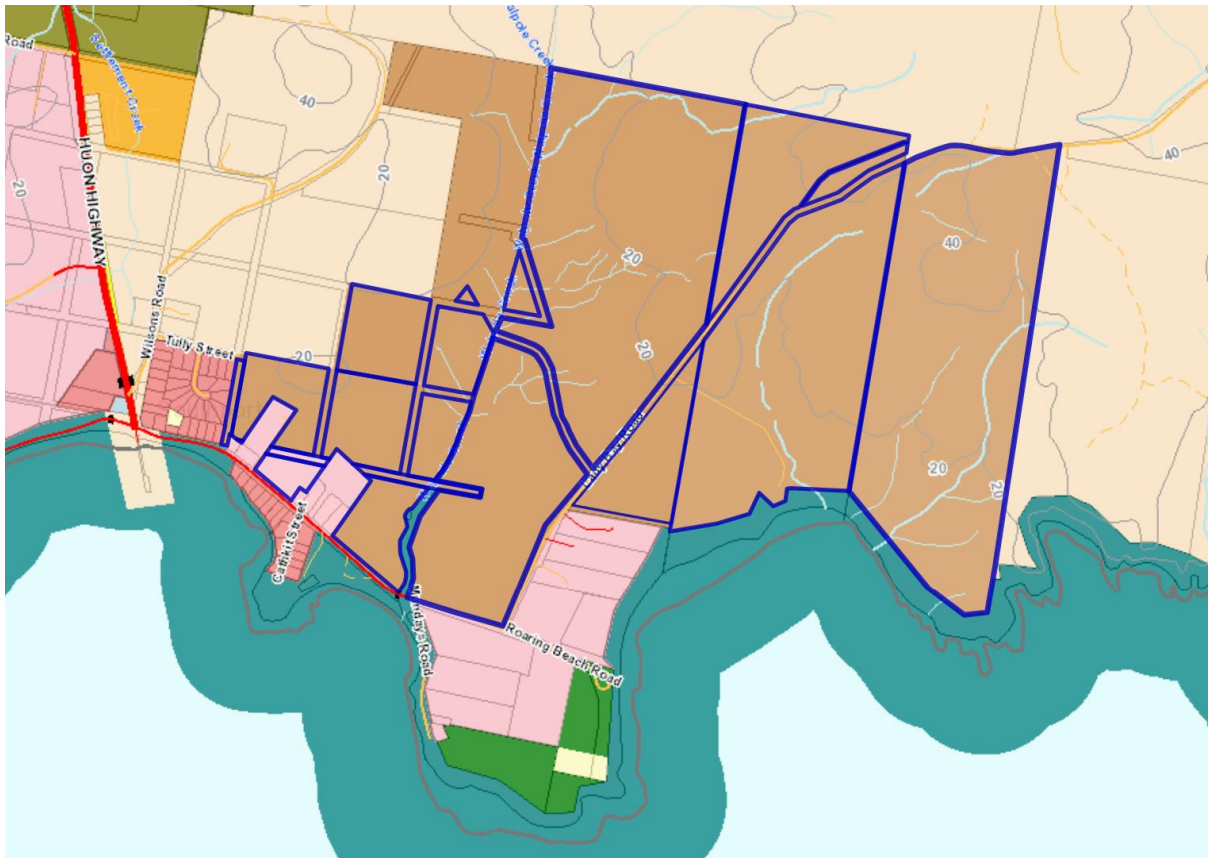
Council has proposed to retain the property Agriculture, with the surrounding properties to be Rural zone under the LPS. A small section area abutting the residential area of Southport is to be retained as Rural Living.



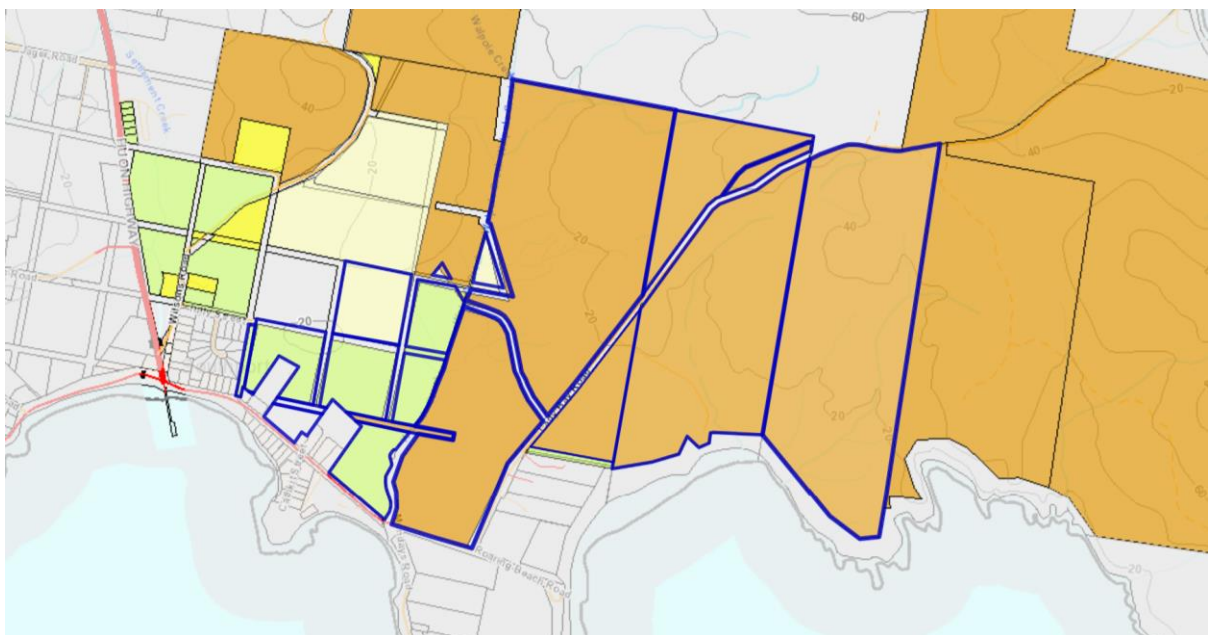
**Figure 1.1a – The proposed new zoning to Agriculture for the subject property (in the center of the image in dark brown) under the Huon Valley LPS. (Source Huon Valley Council)**

Currently the Huon Valley Interim Planning Scheme 2015 has the land zoned Significant Agriculture and Rural Living (Figure 1.1b). Land to the north is still being used for plantation

forestry, both private and State forests and is zoned Rural Resource. To the west is the town of Southport which abuts the property.



**Figure 1.1b – The subject lots (outlined) under the current Huon Valley Interim Planning Scheme 2015, currently zoned Significant Agriculture (dark brown) with a small area in the southwest zoned Rural Living (light pink). (Source LIST Map)**



**Figure 1.1c – The lot boundaries are shown in blue; all the lots are shown to be “unconstrained” within the Land Potentially Suitable for Agriculture Zone’ layer of the LIST. However, the lots**

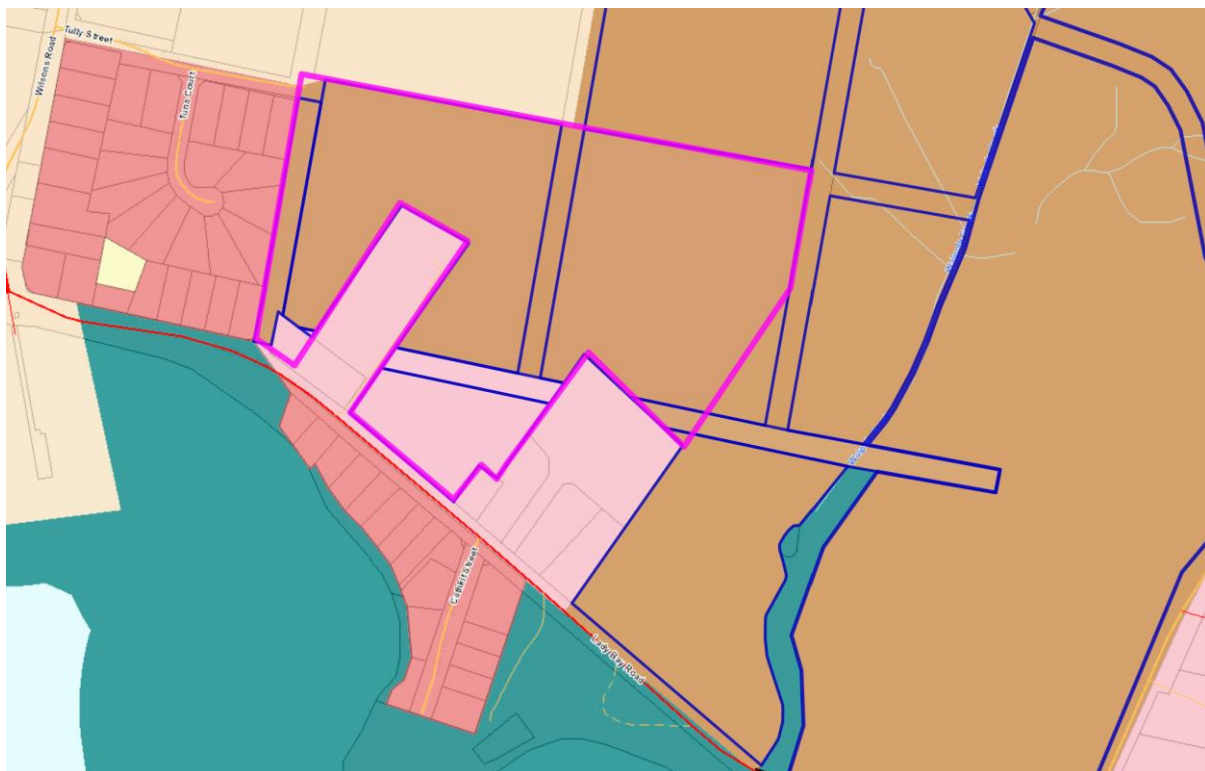
abutting the residential area are shown to be constrained being either green or grey. (Source LIST Map)

## 1.2 Site

Whilst the property might be predominately zoned Significant Agriculture under the current Huon Valley Interim Planning Scheme 2015, this is on an assumption that the current zoning is correct. The previous Esperance Planning Scheme 1989 zoned this property Reserved Residential and Rural B. Whilst part of a small corner has retained as a Rural Living, which is consistent with the provisions of Reserved Residential, but this area is significantly less than what was originally provided (See Figure 1.2a).

Under Esperance Planning Scheme a residential dwelling was a P1 use class, which was an as of right use that “may be undertaken without the application for and issue of a planning approval” as per Part 3 - Clause 3.3 of the Esperance Planning Scheme. However, the property under the Interim Planning Scheme is split into Significant with residential or other non-agricultural use only permissible if directly associated with the agricultural activity on the site. Therefore, as the area for Rural Living is less than what was consistent under the Esperance Planning Scheme (Figure 1.2b), the transition to the Interim Planning Scheme has lost the ability to develop the site in the same way.

Additionally, it is observed that there is less of a buffer between land zoned General Residential and the Agricultural zoned land with the reduction in the Rural Living zoned area.



**Figure 1.2a – The southwestern corner of the property, with the pink outline indicating the land that was zoned Reserved Residential under the Esperance Planning Scheme 1989. (Source LIST Map).**

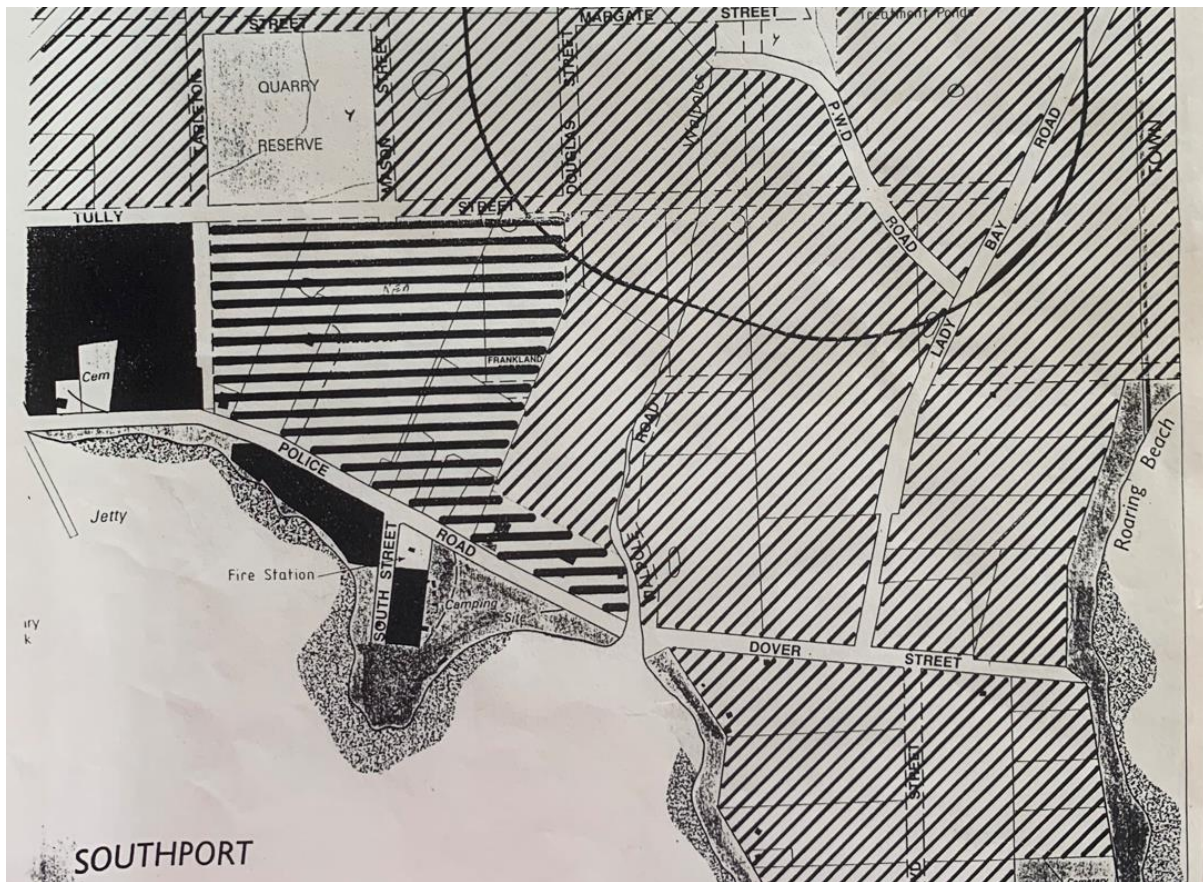


Figure 1.2b – The site under the Esperance Planning Scheme 1989, cross referenced with Figure 1.2c below.

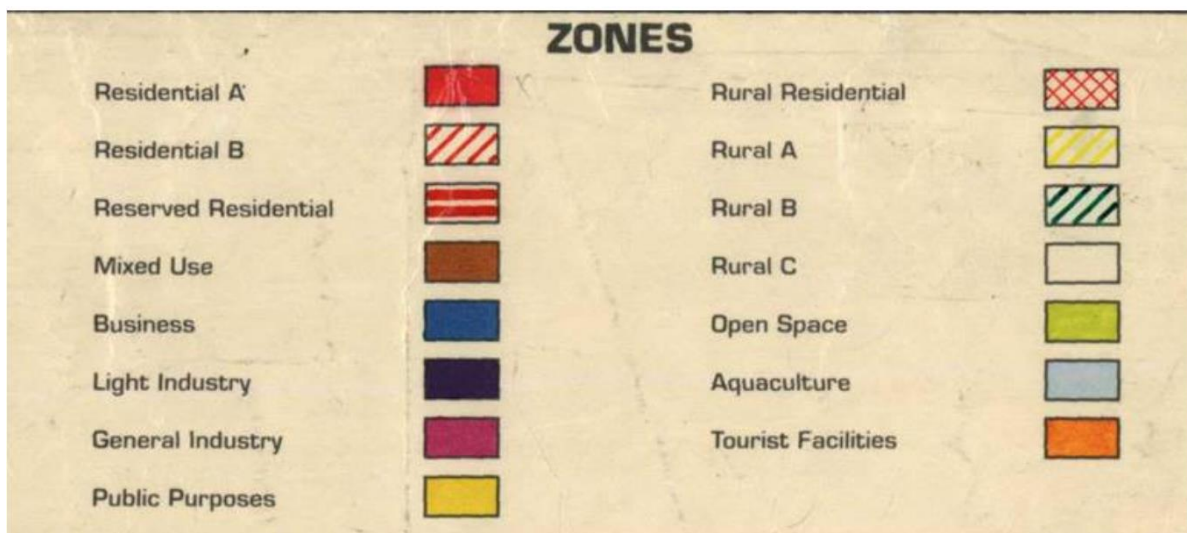
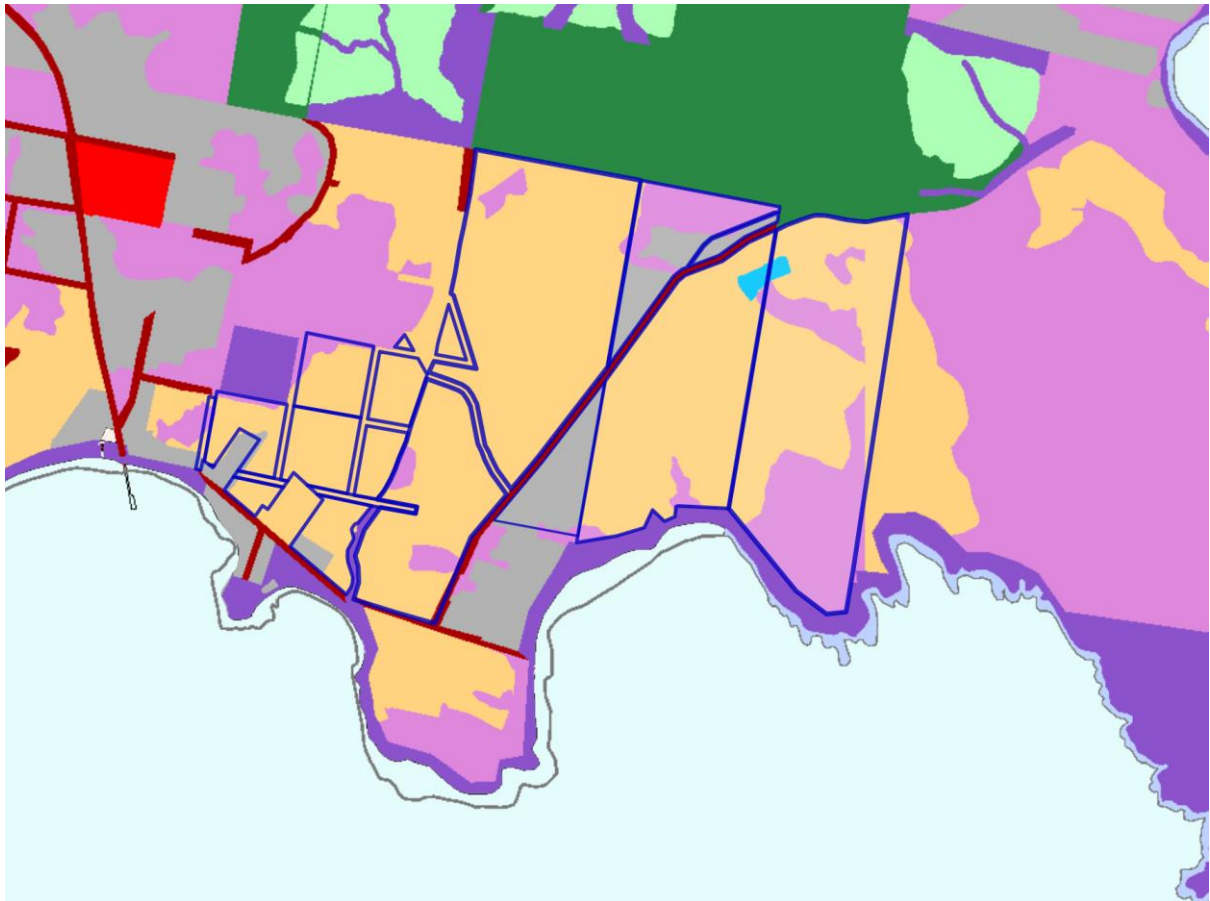


Figure 1.2c - Esperance Planning Scheme 1989 zone key. (Source, Huon Valley Council)

The latest State Land Use (2019) indicates that the property is only used for the purpose of livestock grazing, but is surrounded by plantation to the north, native vegetation to the east and residential living to the west and south (Figure 1.2d and 1.2e).





**Figure 1.2d – From the 2019 Land Use mapping; the light green and dark green areas are associated with plantation land use of some form, pink indicates native vegetation, yellow indicates livestock grazing, whilst grey indicates rural residential use. (Source LIST Map)**



**Figure 1.2e – The subject land (outlined in blue) the site is used for cattle grazing; however, the soil quality is poor that the property has limited capacity for winter fodder without significant financial outlay. The image shows plantation harvesting activity occurring to the north of the site. (Source LIST Map)**

Vegetation type is listed under the TasVege layer of the LIST Map as Agricultural land (FAG) for most of the area (Figure 1.2d). Small areas are shown within the TasVege layer of the LIST Map of the native vegetation associated with *Eucalyptus obliqua* forest WOU or DOB is dotted across the landscape.

None of these vegetation types are listed under Schedule 3A - Threatened native vegetation communities of the *Nature Conservation Act 2002*.



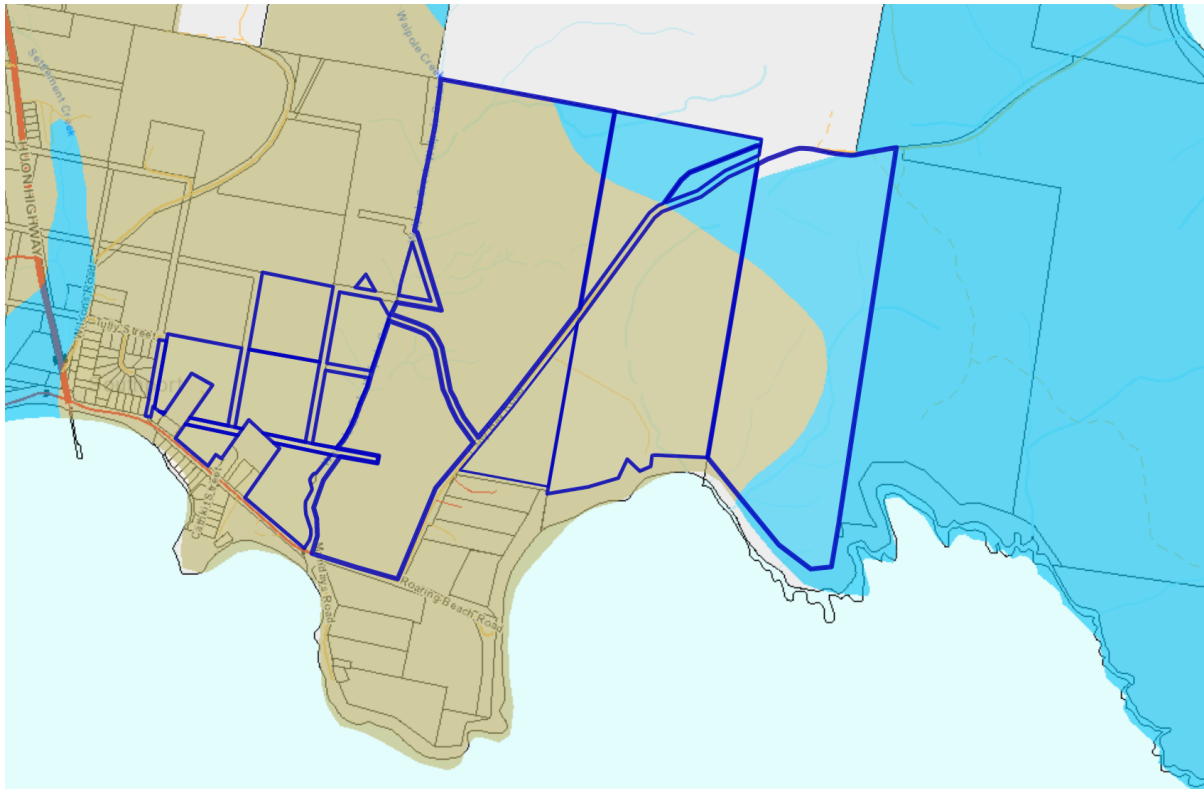
**Figure 1.2f- Within the subject title areas the TasVege layer of the LIST Map has the site predominantly agriculture vegetation with small copses of various *Eucalyptus obliqua* forests. (Source LIST Map)**

### 1.3 Agricultural Land Capability

Mr Frank Walker of Complete Agriculture Consulting has provided an Agricultural Assessment for the property and has noted within his assessment that the soil quality is considered extremely poor being very shallow (Appendix B). the Assessment notes that:

*The soil environment over much of the land under review does not warrant the present classification of Significant Agriculture. The acidic loams, over a mudstone hard pan together with the drainage issues, realistically rate the subject land as Rural Resource. Certainly not Agriculture as now proposed under the updated Planning Scheme. (page 4)*

*Land Capability Survey of Tasmania* mapping cites this land as split between Class 5 and Class 6, which is essentially only marginal cropping ground and suitable for grazing. However, the Agricultural Assessment, confirms that the site has essentially no capacity for cropping and that it is generally considered unsuitable for such agricultural activities.



**Figure 1.3a – Land Capability Map – the olive-green area is Class 5, and the blue area is Class 6. Most of the lots are Class 5, which is marginal grazing land and unsuitable for cropping. (Source LIST Map)**

## **2 Planning Provisions**

### **2.1 At Issue: Agriculture Zone**

It is recognised that Huon Valley Council has implemented the Agriculture Zone in accordance with the Ministerial “Guidelines No.1 Local Provisions Schedule (LPS): zone and code application”, which requires the zoning to be applied to all unconstrained land within the ‘Land Potentially Suitable for Agriculture Zone’ unless ruled out. We propose that the “decision tree” established by consultants engaged by the Southern Group of Councils has not factored in that historically the current zoning of the site may not be correct.

Additionally, the decision tree has not accounted for the on-ground conditions of the site. As a result, the land should not be considered unconstrained but should be mapped as constrained within the ‘Land Potentially Suitable for Agriculture Zone’.

Implications of zoning the subject sites Agriculture is divulged in an analysis of the State Planning Provisions, and the ordinance of the Agriculture Zone within the new planning Zone. It is appreciated that there should be a high test for non-agricultural activity when developing within the Tasmanian Agriculture Estate; however, the test that the activity must be reliant on agriculture from the site is too high and restrictive for diversification of use. Such diversification is often required to subsidise the agricultural land on the property.

Whilst it is recognised that the new scheme does have a pathway which does not require the property owner to prove the agricultural necessity for a dwelling. However, the wording of these provisions is very subjective with minimal guidance, and it would take little to refuse a

dwelling on land that is only suitable for livestock grazing such as the subject titles. (See the assessment under Appendix A for further clarification.)

This is only further exacerbated with the distance Southport is too saleyards or similar agricultural services.

## 2.2 Proposed Alternative LPS Zoning

The proposed zoning for the entire site should be Rural under the Huon Valley LPS, with the remaining section Rural Living consistent with the Reserved Residential under the Esperance Planning Scheme 1989.

By being Rural the core agriculture use is maintained, as the land can still be used for livestock grazing, which is the current use, but simultaneously other use can still occur having regard to the agricultural values of the surrounding land but not necessarily reliant on them.

## 2.3 LPS Zone Purpose Statements & Guidelines

The appropriateness of the zoning under the LPS specifies that the purpose of the Rural Zone Clause 20.1, is as follows:

*20.1.1 - To provide for a range of use or development in a rural location:*

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
- (b) that requires a rural location for operational reasons;*
- (c) is compatible with agricultural use if occurring on agricultural land;*
- (d) minimises adverse impacts on surrounding uses.*

*20.1.2 - To minimise conversion of agricultural land for non-agricultural use.*

*20.1.3 - To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

The fact that this land is poor quality means that it was an error to zone the site Significant Agriculture under the current Interim Planning Scheme, and a transition to Rural instead of zoning it Agriculture is more appropriate measure when reviewing what is occurring on site.

In accordance with *Guidelines No.1 Local Provisions Schedule (LPS): zone and code application*, Agriculture is the default zone; however, this is based on the land being mapped as unconstrained within *Land Potentially Suitable for Agriculture Zone*' layer published on the LIST. As it has been demonstrated, this not only was published (May 2017) prior to the change of ownership of each title, but also the land classification and size of lots does not facilitate the area being singled out as Agriculture.

Other zone guideline analysis should occur for land that is potentially subject to use class conflict. Given the size, character, and location it is considered that the Rural Zone guidelines are applicable to the site, which state:

***RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the***

***Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.***

Given the poor soil capability and the inability to establish sustainable cropping, the land associated with eight titles should have Rural Zone applied as it has no potential for agriculture because of topographical, environmental or other characteristics of the area.

***RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.***

It is evident that the land associated with the property 61 Lady Bay Road has been considered in accordance with the guideline of this provision; however, the next stage of ruling out all other issues associated with the provision does not appear to have occurred. As a result, there appears to be an error in the assessment and not factoring in the poor agricultural value of the soil and the proximity to the residential dwellings abutting the site.

***RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:***

- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;***
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;***
- (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;***

Although the eight lots are identified within the 'Land Potentially Suitable for Agriculture Zone', the soil quality is so poor that there is no value in the land being integrated into a larger farm holding. Additionally, it is observed that the surrounding properties are not of a size or scale to be considered for a larger farm sufficiently sustainable to warrant financial outlay to integrate the subject land into a larger holding. Therefore, Rural Zone could apply in accordance with RZ 3(a).

As previously addressed, the proximity to sensitive use associated with residential zoned land, being specifically abutting the site, means that grazing livestock are exposed to being worried or attacked by domestic dogs. The additional fact that the soil quality is poor and insufficient to sustain cropping means that the land associated with 61 Lady Bay Road, is significantly constrained particularly in the western corner of the property and that there is sufficient justification for Rural Living Zone being allocated to this site with the remaining proportion being zoned Rural in accordance with RZ 3(b).

In reviewing the site, the RZ 3(c) is not applicable; however, it is observed that the land is still too poor in quality to be zoned Rural. Given the location and frontage to formed roads the more appropriate land use is that of Rural Living which is consistent to what it was under the Esperance Planning Scheme 1989.

### **3 Conclusion**

This representation provides site specific clarification for the land known as 61 Lady Bay Road, Southport (PID: 9102837 & PID: 2678026).

As the intent of the Agriculture Zone is to provide for a range of agricultural use and avoid unrelated non-agricultural activities, the characteristics and the restrictions limit the useability and reliance of the site for such activities. Therefore, it is considered more appropriate that the property associated with this submission are zoned Rural with a section abutting the residential area zoned Rural Living. This is particularly applicable considering that the intent of the Rural Zone is to provide for less significant agriculture and for it be applied to land with limited or no potential for agriculture.

Pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should not apply the zone Agriculture to the subject sites, being more appropriate to be zoned Rural and Rural Living, which is more consistent with the actual use of the site and the agricultural use occurring within the neighbouring properties.

## Reference

- AK. "Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones." edited by Michael Tempest and Astrid Ketelaar, 30. Tasmania: AK Consultants, 2018.
- DeRose, R.C. "Land Capability Survey of Tasmania: D'entrecasteaux Report." 88. Tasmania: Department of Primary Industries, Water and Environment, 2001.

## Appendix A – Analysis and Assessment of Residential Use in Agriculture Zone

The purpose of the Agriculture Zone is to implement the Tasmanian *State Policy on the Protection of Agricultural Land 2009*. The Scheme adopts the Policy's definition of Agricultural land:

*"...means all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses"*.

Agricultural use:

*"...means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry."*

Therefore, the purpose of the agricultural zone is to prioritise primary industry related business specifically farming and to minimise conflict with such activities. That is, non-agricultural use can occur if it does not result in loss of agricultural land or impact on an agricultural use.

The Agriculture Zone has residential use as a permitted use class for a home-based business in an existing dwelling, or alterations or extensions to an existing dwelling. A new residential use (a new dwelling) requires a discretionary application, needing public consultation and justification to show the impact is appropriate for the location by not causing a loss to Agricultural Land for either an existing or potential agricultural use.

Tourism operation, plus visitor accommodation can occur, but is subject to a discretionary application. A dwelling located outside a building area will also be regarded as discretionary.

Clause 21.3 (SPP) relates to use of standards for discretionary applications that are required to demonstrate support for agricultural uses and to reduce the conversion of land to non-agricultural uses. There is no acceptable solution listed under this provision; therefore, all applications will be subject to public notification. The provisions listed under P1, P2, & P3 do not apply to Residential Use.

P4 specifically relates to residential use, requiring the application to demonstrate either (a) it is necessary to be on the agricultural land as part of the agricultural use or (b) that it is located on a site not suitable for agricultural use. Specifically:

*(a) be required as part of an agricultural use, having regard to:*

- (i) the scale of the agricultural use;*
- (ii) the complexity of the agricultural use;*
- (iii) the operational requirements of the agricultural use;*
- (iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and*
- (v) proximity of the dwelling to the agricultural use;*

Or alternatively,

*(b) be located on a site that:*

- (i) is not capable of supporting an agricultural use;*
- (ii) is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and*
- (iii) does not confine or restrain agricultural use on adjoining properties.*



It is observed that a dwelling does not need to comply with both sub-clause (a) and (b). Under the New Scheme there is a pathway for an approval of a dwelling that is not “necessary to facilitate... land for agricultural purpose” as it is within the Significant Agriculture Zone of the current Interim Planning Schemes.

However, there is a forewarning to the wording of sub-clause (b) – interpretation and enforcement of this provision is potentially variable as there is limited context of scale within the provision. To reiterate, agricultural use includes land used for keeping and breeding of animals; therefore, livestock grazing is an agricultural use. Livestock grazing can occur on quite poor soil classification, as a result there is not much land within the Huon Valley Region that is not capable of being considered capable of being included by others for an agricultural use. Therefore, it potentially will be hard to comply with sub-clause (b).

As there is no size limitation, such as the wording of sub-clause (a)(i), a Planning Authority could easily be placed in the position of refusing a proposal for a dwelling on a lot only suitable for grazing because the neighbour grazes cattle: noting that there is no differentiation between “pet” and a small herd of livestock.

Whilst this interpretation might appear an extreme example, past Tribunal decisions have demonstrated that a literal reading of the Performance Criteria has the potential to result in such a proposal being prohibitive<sup>1</sup>.

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<sup>1</sup> *P & K Degenhardt v Waratah Wynyard Council and A & M Jackson* [2015] TASRMPAT 10 (23 April 2015)

*Complete Agricultural Consulting Services*

**Agricultural Assessment**

**Relating**

**To**

**Huon Council Planning Scheme  
Zone Classification**

**61 Lady Bay Road**

**Southport  
Tasmania**

*Prepared for D & N Duggan*

*By*

*Complete Agricultural Consulting Services*

*April, 2022*

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## **Report Purpose**

The focus of the report is on the agricultural environment of the subject property in order to provide information for the Huon Council in making a determination on the correct zone class for the land comprising the farming property at 61 Lady Bay Road, Southport.

The report is not available for other purposes.

## **Introduction**

This report, prepared by Mr Frank W Walker, Manager, Complete Agricultural Consulting Services, was commissioned to provide expert comment to support a submission to Council relating to the Zone Class applying to the land forming the farming property at 61 Lady Bay Road, Southport, Tasman

An assessment has been made of the Land Classes and Capability of the subject land comprising the property.

Guidelines for the Classification of Agricultural Land in Tasmania, as prescribed in the Land Capability Handbook have been followed in the assessment process. Land Classes have been identified as per the guidelines.

The report reviews the present Zone Classification and that which should apply in Huon Council Planning Scheme when applying the Tasmanian Planning Commission Zone Application Guidelines, as presented to guide Councils in establishing their new Planning Schemes

*Disclaimer: Complete Agricultural Consulting Services, in drawing on data from various sources to develop the report, does not accept responsibility for the final outcomes as detailed.*

## **Summary**

The Agricultural Assessment reveals a somewhat constrained agricultural environment for the subject property that is presently classified Significant Agriculture. The principal constraining factor being acidic top soils over a hard pan mudstone subsoil across much of the property.

The Class 5/4 and Class 5 land forms across the allotments are best utilised as a dryland grazing base and should be classified as Rural Resource under the Huon Council 2015 Interim Planning Scheme.

It is recommended Council recognise the limitations of the land form and support, as is proposed, a Rural classification in the Councils updated Planning Scheme.

# **Agricultural Assessment Of Farming Land at 61 Lady Bay Road, Southport.**

## **1. Background**

Under the Huon Council 2015 Interim Planning Scheme the subject property is zoned Significant Agriculture.

In a previous report provided to Council relating to a boundary adjustment for the property (Ref. 1) it was noted there was a zoning anomaly in that the land should have been classified as Rural Resource under the Interim Planning Scheme.

Council propose to zone the land Agriculture where as it should be zoned Rural.

## **2. Property Environment**

### **2.1 Climate**

#### **2.1.1 Rainfall**

The land is in a medium high rainfall area of approximately 850-900mm per annum, with a predominant winter-spring distribution.

#### **2.1.2 Temperatures**

While temperatures experienced throughout the late spring to early autumn are conducive to a range of cool-temperate enterprises, the severe frosts experienced throughout the region over winter and spring limit the type of enterprises that can be successfully undertaken.

#### **2.1.3 Wind**

The land is very exposed to prevailing NW and Westerly winds that will impact the production of high value horticultural enterprises.

### **2.2 Soil Type**

While the property is within the Southport Hills Land System (LS No.478134) the soils over most of the subject farming land do not fit the Land System description (Ref 2) in that they comprise an often-shallow sandy loam to a light clay loam top soil over hard pan Mudstone subsoil.

Photo 1 shows the typical hardpan under a shallow top soil removed from a gateway. Photo 2 again shows hard pan over clay where an attempt was made to dig out a waterhole. Photos 3 and 4 show an incidence of surface stone.

The shallow, very hard Mudstone pan is hardly characteristic of land zoned Agriculture. It presents limitations for many agricultural enterprises requiring significant levels of cultivation.

Only some limited lower areas comprise deeper duplex soils with a sandy loam surface over a pale brown clay that are more in line with the Southport Hills System.

The soils are acidic, with a soil test recording pH 5.4.

## 2.3 Drainage

The soils in some areas exhibit poor drainage with Pin Rushes as depicted in Photo No. 5. Pugging of wet winter soils is evident in Photo No. 6.

Elevated water tables in sections of the land constrain effective farming operations and thus limit land use. Drainage lines needed to be opened up in the NW section of the property.

Stable flow lines exist across the land form as shown in Photo No's. 8 and 9.

## 2.4. Topography

The land forms under review comprise extensive areas of gently undulating ground, as per Photo 4 with the lower slopes adjacent to Lady Bay Road.

## 3. Land Capability and Classification

Land capability assessment takes into account the physical nature of the land (eg. geology, soils, slope, stoniness) and other factors such as climate, erosion hazard, drainage and the land management practices required for sustainable operations.

Land capability assessment should not be confused with a suitability assessment which takes into account economic and social issues in reviewing the best use options.

In deploying the Tasmanian Land Capability Classification System (Ref.3) an onsite assessment of the land shows it ranging from Class 5/4 to Class 5.

The Land Capability Survey of Tasmania D'Entrecasteaux Report. (Ref 4) shows all the land as Class 5.

The Tasmanian Land Capability Classification System rates Class 5 land as unsuitable for cropping, although some areas on easier slopes maybe cultivated for pasture establishment or renewal and occasional fodder crops maybe possible.

It follows the Class 5 classification is correct for the property.

The subject land is not considered within the Classification System to be prime agricultural land (i.e. Class 1, 2, or 3, well suited to intensive agriculture) as there are serious limitations, notably the climatic environment, soils and drainage.

## 4. Zoning Anomaly

### 5.1 Present incorrect Zoning

The soil environment over much of the land under review does not warrant the present classification of Significant Agriculture. The acidic loams, over a mudstone hard pan together with the drainage issues, realistically rate the subject land as Rural Resource. Certainly not Agriculture as now proposed under the updated Planning Scheme.

Similar adjacent properties are presently zoned Rural Resource and it is proposed they are Rural in the new planning scheme.

## 5.2 Zone Purpose and Application Guidelines

In the Tasmanian Planning Commission Guideline No 1, Local Provisions Schedule (LPS) zone and code application, updated 8<sup>th</sup> June 2018 (Ref 5) the following is noted:

### 5.2.1 Zone Purpose

As stated in Ref 5 page 14, under Zone Purpose: “The purpose of the Rural Zone is:

20.11 To provide a range of use or development in a rural location:

- (a) Where agriculture is limited or marginal due to topographical, environmental or other site or regional characteristics.”

### 5.2.2 Zone Application Guidelines

As stated in Ref. 5, page 14 under RZ 3: “ The Rural Zone maybe applied to land identified in the ‘Land Potentially Suitable for Agriculture’ layer if:

- (a) It can be demonstrated the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;
- (b) It can be demonstrated that there are significant constraints to agricultural use occurring on the land.”

Presently an adjacent title, under bush, alongside the NE boundary is zoned Rural Resource and has the same soil and land environment as the subject land. Identical cleared land on an adjacent title alongside the southwestern boundary is presently zoned Rural Resource – as should be the case for the subject land. Both adjacent properties are to be zoned Rural under the new planning scheme, as shown in Appendix 1.

## **5. Determining Rural Land Zones Correctly.**

The new Tasmanian Planning Scheme provides for uniformity in the application of land zones across farming/rural land in Tasmania.

As a practicing agricultural adviser for some 50 years in Tasmania the writer has assessed the land forms/classes/capabilities/zones across many areas of the State.

Of particular concern is the wide variation existing within rural land classification zones applied by Council Planners to farming land within their Municipalities.

Much of the variation is a result of desktop assessments whereas the writer is constantly making on-site/infield assessments of particular properties.

Applying a zoning to farmland is matter that needs to assessed carefully by persons with both appropriate experience and expertise, and not simply following Tasmanian Planning Commission Guidelines, which appears to be the situation applying to the subject land within this report.



## 6. Conclusion

The property has a constrained farming environment.

The Department of Primary Industry Water and Environment has determined a Class 5 classification which rates the land as unsuitable for significant cropping.

The onsite assessment has confirmed the Class 5 rating as correct.

It is confirmed the present Significant Agriculture zoning is incorrect. Under the Huon Council 2015 Interim Planning Scheme the property should be zoned Rural Resource which translates to Rural under proposed new Planning Scheme.

The developed, undulating Class 5/4 and Class 5 land forms are best utilised as a dryland grazing base.

## 7. . Recommendation

The titles forming the Duggan property at Southport be zoned Rural .



F W Walker HDA, GDE, FAIAST.

Manager  
Complete Agricultural Consulting Services

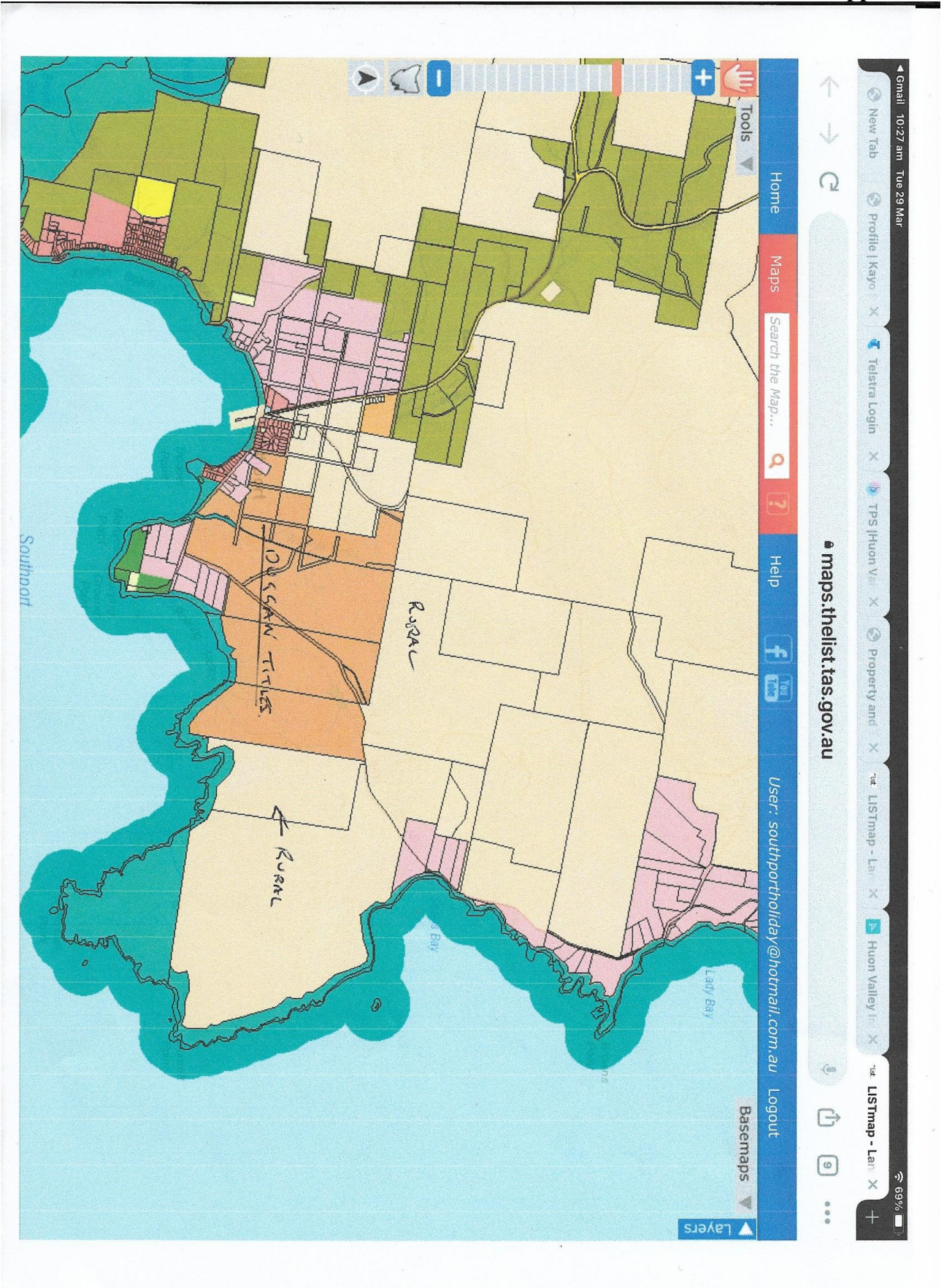
Reference 1: Walker, FW. Agricultural Assessment Relating to Proposed Boundary Adjustments 61 Lady Bay Road Southport Tasmania. Complete Agricultural Consulting Services, December 2020.

Reference 2: Land Systems South, East and Midlands (region 6) DPIWE. A Resource Classification Survey, Dept. Agriculture, 1988.

Reference 3: Land Capability Handbook, Guidelines for Classes of Agricultural Land in Tasmania, second edition, DPIWE 1999.

Reference 4: DeRose R.C. (2001) Land Capability Survey of Tasmania D'Entrecasteaux Report. Department of Primary Industries Water and Environment, Tasmania, Australia.

Reference 5. Tasmanian Planning Commission; Guideline No.1. Local Provisions Schedule (LPS) zones and code application, June2018.





**Photo 1.**  
**Mudstone Hard Pan under shallow loam topsoil**



**Photo No. 2**  
**Mudstone Hard Pan over clay**



**Photo 3.**  
**Varying incidence of stone on midsection of property.**



**Photo No. 4.**  
**Surface stone on midsection of Eastern Boundary**



**Photo 5.**  
**Pin Rushes on winter wet areas**



**Photo No. 6**  
**Pugging noted midsection of property from winter stock movements.**



**Photo 9.**  
**Bushland on adjacent property zoned Rural Resource on NE boundary.**



**Photo 10.**  
**Mudstone embankment midsection of property.**



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### Limitations

Red Seal Urban & Regional Planning provides town planning advice based on the information provided by the Client, which is assumed correct in relation to the provisions of the Tasmanian Resource Management Planning System.

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